

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

James R. Simpson,

Plaintiff,

Case No.: 1:10-cv-458

v.

Judge Michael R. Barrett

Commissioner of Social Security,

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation (“Report”) filed by Magistrate Judge Stephanie K. Bowman on June 7, 2011 (Doc. 10). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).<sup>1</sup> No objection to the Report has been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. As the Report recommends (Doc. 10, 18), the following is **ORDERED**:

1. The decision of the Commissioner to deny Plaintiff Disability Insurance Benefits and Supplemental Security Income Benefits is **REVERSED**, and this matter is **REMANDED** under sentence four of 42 U.S.C. § 405(g);

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<sup>1</sup> Notice was attached to the Report regarding objections. (Doc. 10, 20.)

2. On remand, the Administrative Law Judge is instructed to: (1) carefully review objective medical evidence of Plaintiff's heart disease to determine if he meets a Listing or is disabled under Medical Vocational Rule 201.14; (2) remedy the errors identified in the Report concerning Plaintiff's age and the weight to be given to the opinions of Plaintiff's treating physicians;
3. This case is **CLOSED**.

**IT IS SO ORDERED.**

*s/Michael R. Barrett*  
United States District Judge